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December 11, 2023

REF: 899.701

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**VIA ECF**

The Honorable Eric R. Komitee  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: *Schulte v. Warden of MDC*, 22-CV-766 (E.D.N.Y.)  
Schulte Declaration and Oral Argument**

Dear Judge Komitee:

My name is Keegan Stephan and I represent Petitioner in the above-captioned matter. (*See* Notice of Appearance, Dkt. 46.) On December 8, 2023, Respondent filed all of the parties' outstanding submissions. (*See* Dkts. 50–52.) I write for two reasons: (1) to update the Court on the status of obtaining Mr. Schulte's signature on his declaration (*see* Declaration of Keegan Stephan, Dkt. 52-1), and (2) to add information to Petitioner's request for oral argument (*see* Petitioner's Supplemental Submission, Dkt. 50-1.)

As to the first issue, I returned to the MDC on Monday, November 20, 2023, and attempted to pass Mr. Schulte his declaration so that he could sign it. Staff at the MDC, however, informed me that I could not hand my client his own declaration to sign. Notably, the 2023 SAMs specifically permit Mr. Schulte's attorneys to provide him with documents related to his cases during visits. (*See* 2023 SAMs, Dkt. 52-2, ¶ 2.g.) Furthermore, in May 2023, after an inquiry by Judge Furman, the MDC informed the court that it would, "in the near future," make arrangements with the staff so that Mr. Schulte could exchange documents with his then standby counsel. (Order, *United States v. Schulte*, 17-CR-548 (S.D.N.Y.), ECF. No. 1044.) Nevertheless, on November 20, 2023, the MDC did not allow me to hand Mr. Schulte his declaration. As a result, I still do not have a signed copy of his declaration to file with the Court. While at the MDC on November 20, 2023, I deposited the unsigned declaration in the mail drop for the facility with instructions for

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Mr. Schulte to sign it and send it back to me as soon as he receives it. I still have not received a signed copy. To my knowledge, Mr. Schulte still has not received the unsigned copy. As soon as I receive the signed copy, I will file it with the Court. In the meantime, I respectfully request that the Court consider the unsigned copy in conjunction with the pending habeas petition. As detailed in my declaration, I have read the contents of the declaration to Mr. Schulte and he has declared to me that they are true and correct. (Declaration of Keegan Stephan, Dkt. 52-1.)

As to the second issue, consistent with the Court's Individual Rules and Practices, Petitioner requested oral argument on the present petition by noting "Oral Argument Requested" on the top right corner of his supplemental submission. (See Judge Eric Komitee Individual Rules and Practices ¶ III.E.1; Petitioner's Supplemental Submission, Dkt. 50-1.) Also consistent with the Court's Individual Rules and Practices, Petitioner now notes that Petitioner's attorney who would argue the petition—Keegan Stephan—has five years or less experience as a licensed attorney. (See Judge Eric Komitee Individual Rules and Practices ¶ III.E.2.) Furthermore, Petitioner believes that oral argument is particularly appropriate with respect to several of the issues raised in present submission—specifically whether there is still any basis for the imposition of the SAMs and whether this Court has jurisdiction to modify or vacate them. (See Petitioner's Supplemental Submission, Dkt. 50-1, at 15; Respondent's Proposed Findings of Fact and Conclusions of Law, Dkt. 50-1, at 26.)

Petitioner thanks the Court for its attention to this matter.

Sincerely,



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Keegan Stephan, Esq.  
*Associate*

cc: David Cooper (via ECF)